

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Phillip Wayne Repique III,)	C/A No.: 1:13-891-DCN-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Carolyn W. Colvin, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

The Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security (“Commissioner”), by her attorneys, William N. Nettles, United States Attorney for the District of South Carolina, and Barbara M. Bowens, Assistant United States Attorney for said district, has moved this court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings. [Entry #18]. The motion represents that Plaintiff’s counsel, Beatrice E. Whitten, consents to the motion. *Id.*

By order of the court, this case will be remanded to the Appeals Council. The Appeals Council will direct the Administrative Law Judge to provide Plaintiff with an opportunity to submit additional evidence; further evaluate Plaintiff’s subjective complaints considering the factors set out in Social Security Ruling 96-7p, with particular consideration given to Plaintiff’s alleged inability to afford treatment; reconsider Plaintiff’s residual functional capacity, if warranted; seek supplemental vocational expert testimony, if warranted, to determine whether there are a significant number of jobs in the

national economy that Plaintiff can perform; give Plaintiff an opportunity for a hearing; and issue a new decision.

Pursuant to the power of this court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings as set out above.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

IT IS SO ORDERED.



December 12, 2013
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

¹The Clerk of Court is directed to enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.